

Docket No. 2024738-7030240000
CYM-037 (11.020012)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Garrick Maenle, et al

Serial No.: 10/008,379

Filed: November 5, 2001

**For: CYTOLOGICAL IMAGING
SYSTEMS AND METHODS**

Group Art Unit: 2872

Confirmation No.: 4705

Examiner: Lee Fineman

PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48 (a) (1)

M/S: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

The undersigned attorney for applicant petitions the Commissioner of Patents and Trademarks to change the inventorship of the above-identified patent application to add David Zahniser as an inventor.

Accompanying this petition are: (1) a statement by David Zahniser that the failure to name him as an inventor was without his deceptive intent; (2) a statement of consent to the change of inventorship by the assignee, Cytoc Corporation; (3) a Supplemental Declaration executed by all inventors including David Zahniser; (4) Supplemental Application Data Sheet with updated inventors' information, and (5) a copy of Assignment from David Zahniser to Cytoc Corporation with copy of confirmation receipt from PTO.

Please add the name of David Zahniser as an inventor for the above-identified Application and correct the United States Patent and Trademark Office's records accordingly to reflect this addition.

The Commissioner is hereby authorized to charge to Bingham McCutchen's Deposit Account No. **50-2518** the fee of \$130.00 as set forth in 37 CFR § 1.17(i).

Should there be any questions on this matter, the Examiner is respectfully requested to telephone the undersigned at (650) 849-4400.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 4/4/05

By: DT Burse
David T. Burse
Reg. No. 37,104

23639
PATENT TRADEMARK OFFICE

BINGHAM McCUTCHEN LLP
Three Embarcadero, Suite 1800
San Francisco, CA 94111-4067
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STATEMENT BY OMITTED INVENTOR, DAVID ZAHNISER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

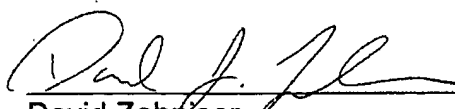
Sir,

I, David Zahniser, should be added as an inventor of the above-identified patent application. The omission of my name as an inventor in the original declaration occurred without any deceptive intent on my part.

I declare that all statements made by me herein are of my own knowledge and are true and correct and that they are made with the knowledge that willful false statements are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of enforceability of a patent that may issue from the above-identified patent application.

Respectfully submitted,

Date: 3/23/05


David Zahniser



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CONSENT OF ASSIGNEE TO ADD INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

CYTYC CORPORATION is the assignee of the above-identified patent, as evidenced by the enclosed copy of assignment and recordation. Cytyc Corporation a Delaware Corporation hereby consents to the addition of David Zahniser as a named co-inventor on the above-referenced patent application.

The undersigned is empowered to act on behalf of the assignee.

CYTYC CORPORATION

Dated: 3/25/05

By: Mark Casey

Name: Mark Casey
Title: Vice President, Deputy
General and Chief Patent
Counsel

Address: 250 Campus Drive,
Marlborough,
Massachusetts 01752